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JUL 25 2007

OFFICE OF PETITIONS

In re Application of
Rajesh S. Agarwalla
Application No. 10/034,724
Filed: December 19, 2001
Attorney Docket No. AUS920010791US1

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ON PETITION

This is a decision in response to the petition, filed March 6, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.


The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed March 3, 2005. A Notice of Abandonment was mailed on December 28, 2005. On March 6, 2007, the present petition was filed.

This application has been abandoned for an extended period of time. The U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." *See Changes to Patent Practice and Procedure*, 62 *Fed. Reg.*, at 53160 and 53178; 1203 *Off. Gaz. Pat. Office*, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2143 for consideration of the amendment filed March 6, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions